

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 24-45 are all the claims pending in the present application. Applicant respectfully submits that the pending claims define patentable subject matter.

Claim Rejections - 35 U.S.C. § 112

Claims 24-42 stand rejected under 35 U.S.C. § 112, second paragraph, for a minor informality. The informality noted by the Examiner has been corrected by the amendment herein, and therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Further, Applicant thanks the Examiner for indicating claim 24 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph as set forth in the Office Action.

Additionally, Applicant thanks the Examiner for indicating claims 25-42 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph as set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Since the informality noted by the Examiner has been corrected by the amendment herein, Applicant respectfully submits that the claims 24-42 are in condition for immediate allowance.

Claim Rejections - 35 U.S.C. § 101

Claims 39-42 stand rejected under 35 U.S.C. § 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. § 101.

Applicant respectfully traverses this rejection.

With regard to claims 39-41, Applicant notes that claims 39-41 do not recite a “use” as the Examiner contends. Instead, Applicant submits that claims 39-41 are proper dependent claims directed to a network, including the switching system of claim 24, and each of claims 39-41 recite a network comprising, *inter alia*, the switching system of claim 24, and further recite additional features regarding the switching system, e.g., a number input lines and output lines, at least one gateway, etc.

Regarding claim 42, Applicant herein amends claim 42 to recites an additional feature of the claimed network and switching system.

Applicant submits claims 39-42 recite patentable subject matter, and respectfully requests that the Examiner reconsider and withdraw the rejection.

Claim Objections

Claims 32-34, 36 and 37 are objected to for a minor informality. The informality noted by the Examiner has been corrected by the amendment herein, and therefore, Applicant respectfully requests that the Examiner withdraw the objection.

Claim Rejections - 35 U.S.C. § 102

Claims 43-45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. (hereinafter "Lee") in the article "ROUTING AND SWITCHING IN A WAVELENGTH CONVERTIBLE OPTICAL NETWORK."

As noted above, the Examiner has indicated that independent claim 24 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicant herein amends independent claim 24 to incorporate allowable subject matter from independent claim 24.

Amended claim 43 recites, in part:

wherein a number K of mutually time-shifted copies of each of n optical input signals are provided,

wherein each of the $n \cdot K$ mutually time-shifted copies are converted into a number of copies less than n' , and

wherein L optical signals are selected from the converted number of copies less than n' to an output port.

Applicant submits that Lee fails to teach or suggest any of the above-noted features of the claimed invention. Accordingly, Applicant submits that claim 43 is patentable over the prior art of record, and further that dependent claims 44 and 45 also patentable over the prior art of record, at least by virtue of their respective dependency on claim 43.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

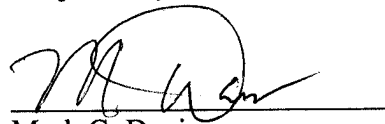
AMENDMENT UNDER 37 C.F.R. §1.111
U.S. Application No. 10/500,655

Docket No. Q82304

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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